DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the "Innovations" article in view of Bousche.

The "Innovations" article teaches a double-walled pipeline with a seal in the annular space between the pipes. The inner pipe has a normal operating condition and is capable of transmitting gas. The annular space is also considered capable of allowing gas flow. The seal is a lip seal that is capable of engaging the walls of the pipes (the lip is considered a blocking means). The article teaches that the seal is not energized until required, such as when liquid is present in the annular space. However, the article does not appear to state the seal allows gas to pass through the annular space during normal operation until it is activated by liquid. Bousche teaches a lip seal in an annular spaced between to concentric elements. Bousche teaches an improved method of installation wherein the lip is bound until the seal needs to be used. The assembly has a liquid-sensitive material 25 that holds the blocking means in a non-sealing position until activated. The lip/blocking means is then moveable under the pressure of the liquid into sealing engagement. This assembly allows installation without damage to the lips and then activation when desired. It would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the seal in the article with the teachings of Bousche to ensure an effective, undamaged seal when needed.

Allowable Subject Matter

3. Claims 5-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 3-3-08 have been fully considered but they are not persuasive.

5. The declaration under 37 CFR 1.132 filed 3-03-2008 is insufficient to overcome the rejection of claims 1-3 and 14-16 based upon the article in view of Bousche as set forth in the last Office action for the following reasons.

Both Applicants' APA and the article disclose known double-walled pipelines having a seal in the annular space between the pipes. The pipes and annular space are *capable* of transmitting gas during operation. However, the examiner understands from the declaration and arguments presented that the seals disclosed in the article are in (at least light) contact with both pipes and therefore would not allow gas to pass. But, the article also teaches that a seal only needs to be energized when needed, i.e. when the annular space is flooded/in the presence of liquid. In other words, the seal is intended to seal liquid, not gas, and is not even needed if no liquid is present. Otherwise, why wouldn't it always be activated? Further, Bousche teaches an installation technique that binds a seal until it is needed. The binding dissolves in liquid and then the seal is capable of being energized into sealing engagement. Since the seal in the article isn't

needed until water is present, the binding taught by Bousche would not need to be removed until that time. Thus, the seal in the article/APA in view of Bousche *would* permit gas to pass during normal operation until it is activated by liquid.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alison K. Pickard whose telephone number is 571-272-7062. The examiner can normally be reached on M-F (9-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alison K. Pickard/
Primary Examiner, Art Unit 3676

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